

AMENDED IN SENATE MARCH 25, 2011

**SENATE BILL**

**No. 147**

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**Introduced by Senator Leno**

February 1, 2011

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An act to *amend Section 19161.5 of, and to add Section 19161.7 to,* the Business and Professions Code, relating to furniture.

LEGISLATIVE COUNSEL'S DIGEST

SB 147, as amended, Leno. Furniture: flammability standards.

Existing law, the Home Furnishings and Thermal Insulation Act, requires all mattresses and box springs manufactured for sale in this state to be fire retardant, as defined to meet the federal standards for resistance to open-flame test, and authorizes the Bureau of Home Furnishings and Thermal Insulation to adopt regulations to implement those standards. The act requires other bedding products to comply with regulations adopted by the bureau specifying that those products be resistant to open-flame ignition, requires all seating furniture to be fire retardant and labeled as specified, and, except as specified, requires all flexible polyurethane foam offered for retail sale to be fire retardant. The bureau has adopted, by regulation, a flame retardance test of the filling materials of residential upholstered furniture.

This bill would require the bureau, on or before March 1, 2013, to modify *the requirements applicable to* that flame retardance test regarding residential upholstered furniture to include ~~an alternative a smolder flammability standard test~~ *to provide an alternative method of compliance* that can be met without the use of fire retardants and does not compromise public safety.

*Existing law authorizes the chief of the bureau to exempt items of upholstered furniture which are deemed not to pose a serious fire hazard from the fire retardant requirements.*

*This bill would also authorize the chief to provide for a similar exemption for polyurethane foam.*

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 *SECTION 1. Section 19161.5 of the Business and Professions*  
2 *Code is amended to read:*

3 19161.5. The chief of the bureau, subject to the approval of  
4 the Director of Consumer Affairs, may in his or her discretion  
5 exempt items of upholstered furniture *or polyurethane foam* which  
6 are deemed not to pose a serious fire hazard from the fire retardant  
7 requirements of Section 19161.

8 ~~SECTION 1.~~

9 *SEC. 2. Section 19161.7 is added to the Business and*  
10 *Professions Code, to read:*

11 19161.7. The bureau, on or before March 1, 2013, shall modify  
12 Technical Bulletin 117 regarding product standards for fire  
13 retardant furniture to include ~~an alternative~~ *a smolder* flammability  
14 ~~standard test to provide an alternative method of compliance that~~  
15 can be met without the use of chemical fire retardants and does  
16 not compromise fire safety. In developing ~~the alternative standard~~  
17 *this test*, the bureau shall consider ~~a smolder standard for~~  
18 ~~upholstery such as the draft smolder standard proposed by the~~  
19 federal Consumer Product Safety Commission (16 C.F.R. Part  
20 1634, as published in the Federal Register on March 4, 2008). *The*  
21 *bureau shall also take into consideration the cost to manufacturers*  
22 *and consumers. The bureau shall amend existing label*  
23 *specifications to identify any products meeting the standard*  
24 *adopted pursuant to this section.*